

REMARKS/ARGUMENTS

The office action of December 29, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 5, 15, 18, 19, 48, 49, 7, 8, 10-14, 21, 26-30, and 33-36 remain in this application. Claims 1-4, 6, 9, 16, 37, 40-47 and 50 have been canceled as being drawn to a non-elected invention. Claims 17, 20, 22-25, 31-32 and 38-39 were previously canceled without prejudice or disclaimer.

Information Disclosure Statement Issues

Applicants filed Information Disclosure Statements in the instant application on July 2, 2001 and July 13, 2001, neither of which have been made of record. An inspection of the IFW for the instant application provided no indication that the USPTO received either of these filings. Accordingly, applicants are submitting herewith copies of each of these filings and a copy of the stamped post card evidencing receipt of the same by the USPTO. Applicants respectfully request that the Examiner initial and return the PTO/SB/08A forms with the next communication in the instant application.

Section 102 Rejection

Claims 5, 15, 18, 19, 48, 49, 10, 12-14, 26 and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 5,907,327 to Ogura et al. ("Ogura"). Applicants respectfully traverse this rejection.

Applicants have amended independent claims 5, 10, 12, 14, 26 and 27 to clarify that the physical presence does not cause the auxiliary control to be activated. The acts of tapping or sliding in Ogura activate the touch pad. As such, Ogura neither teaches nor suggests detecting a physical presence proximate to or contacting the auxiliary control for a first predefined period without the physical presence causing the auxiliary control to be activated as recited in independent claims 5, 10, 12, 14, 26 and 27. For at least this reason, independent claims 5, 10, 12, 14, 26 and 27 are patentably distinct from Ogura.

Claims 15, 18, 19, 48 and 49, which depend from claim 5, are patentably distinguishable over Ogura for the same reasons as claim 5, and further in view of the additional advantageous

features recited therein. Also, claim 13, which depends from claim 12, is patentably distinguishable over Ogura for the same reasons as claim 12, and further in view of the additional advantageous features recited therein.

Section 103 Rejections

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogura in view of U.S. patent no. 6,118,450 to Proehl et al. (“Proehl”). Claims 11, 28 and 29 stand rejected 35 U.S.C. § 103(a) as being unpatentable over Ogura in view of U.S. patent no. 6,710,771 to Yamaguchi et al. (“Yamaguchi”). Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogura in view of U.S. patent no. 5,995,101 to Clark et al. (“Clark”). Claims 30 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogura in view of U.S. patent no. 6,133,916 to Bukszar et al. (“Bukszar”). Claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogura in view of U.S. patent no. 6,232,968 to Alimpich et al. (“Alimpich”). Claim 34 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogura in view of U.S. patent no. 5,752,254 to Sakairi. Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogura in view of U.S. patent no. 6,040,817 to Sumikawa. Applicants respectfully traverse these rejections.

Applicants have amended independent claims 7, 21, 28, 30 and 33-36 to clarify that the physical presence does not cause the auxiliary control to be activated. To show the step of detecting in each of the applied combinations, the action relies on Ogura. However, the acts of tapping or sliding in Ogura activate the touch pad. As such, Ogura neither teaches nor suggests detecting a physical presence proximate to or contacting the auxiliary control for a first predefined period without the physical presence causing the auxiliary control to be activated as recited in each of independent claims 7, 21, 28, 30, and 33-36. None of the other applied art overcomes this deficiency of Ogura. For at least this reason, the combination of Ogura and any one or combination of the applied art, even assuming proper, does not result in the invention of any of independent claims 7, 21, 28, 30, and 33-36. Claim 10 includes this same distinguishing feature. As such, claim 11, which depends from claim 10, is patentably distinguishable from the combination of Ogura and Yamaguchi for at least the same reasons as claim 10. Also, claim 29 is

Appln. No.: 09/804,496
Amendment dated March 29, 2006
Reply to Office Action of December 29, 2005

considered patentably distinct from the applied art for at least the same reason as claim 28 from which it depends.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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